

PARLIAMENT AND THE SCOTS CONSCIENCE
*Reforming the Law on Divorce, Licensing and Homosexual
 Offences*

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The past couple of years have witnessed a quickening of parliamentary activity as Scotland has hastened to catch up on the reforms of private law which were introduced in England and Wales a decade ago. In the last session a major bill was carried through parliament to reform Scottish divorce law and an even more substantial measure was introduced by the government to overhaul our licensing laws. The debate on the law relating to homosexual offences was reopened by the Lord Advocate who introduced a Consolidated Sexual Offences Bill last session and has been pursued in the present session by Lord Boothby who has sponsored a reform bill in the House of Lords. Each of these measures gave rise to divisions in which members were free to vote according to individual conscience rather than by party whip and they provide an interesting insight into the social attitudes which prevail in Scottish politics now.

This activity has taken place in the shadow cast by devolution which has dominated, if not the minds of the electors, then at least, the debates of their parliamentary representatives and the columns of the political correspondents. It was therefore inevitable that parliament's handling of the Scottish law reform should become part of the rhetoric in the disputes over whether this function should be devolved to a Scottish Assembly. Indeed, it has frequently been argued that law reform in Scotland has lagged behind that in England because of neglect by the congested legislative machine at Westminster and that such reforms would have been more rapidly passed by a Scottish Assembly. For instance, an editorial in *The Scotsman* concluded thus:

Should Mr Cook's Bill fail, as it almost certainly will, not because the majority of Scottish members oppose it, but just because there is no time at Westminster to attend to this simple grievance, then we must hope that our Assembly will have the power and compassion to treat it as urgent."

The Scotsman, 22.1.751.

Two distinct propositions are advanced in this statement. First, that the majority of MPs for Scottish seats were sympathetic to the reform. Secondly, that they were frustrated in their attempts to achieve it by competing claims for parliamentary time at Westminster. Perhaps it is time actually to test both propositions by reference to the fate of reform in each of the three fields which were listed in the opening paragraph.

Certainly it cannot be claimed that Westminster delayed reform of licensing law, since the Clayson Committee² published their report in August 1973 and the government gave a commitment to legislation in the Queen's Speech of November 1975. The commitment was couched in a reference to Scottish legislation which could have been a parody of the perceptions which the English are frequently accused of holding about Scotland:

Measures will be introduced relating to Scotland, including reforms in the law on crofting and on liquor licensing, and proposals for improving public access to freshwater fishing. (Hansard 19.11.75, col. 9).

Although there was an attempt to make political capital out of even this delay between the publication of the report and the introduction of the bill, the gap was no longer than is often needed by a government to translate a report into legislation, especially when the government has changed in the interim. Indeed we might note that the English are still waiting for implementation of the reforms in their licensing law recommended by the parallel Erroll Committee which reported at much the same time. The government has avoided any commitment to introduce a bill along the lines urged by Erroll and the sole attempt to translate them into law by a backbencher was marooned in committee by a determined filibuster.

The law on sexual offences presents at least equal difficulties to those who might wish to contend that an expressed desire for reform in Scotland has been frustrated by neglect at Westminster. In 1967 Leo Abse reformed the law on homosexual offences with a measure which was less than sweeping. Its relief extends only to consenting adults over the age of 21 who are not servicemen or merchant seamen, and are not resident in Scotland or Northern Ireland. One late night sitting on the Bill provoked much ribald humour on the legal status of passengers on the overnight sleeper when it reached Berwick and whether stewards should be obliged to warn them that they were crossing a legal frontier.

The law on homosexual offences north of the frontier has

not changed since 1885. However, it is not immediately apparent that its impervious nature is the result of Scottish parliamentarians intent upon obtaining change being frustrated by the lack of time at Westminster. There was no essential reason why Scotland should have been omitted from the 1967 Sexual Offences Act since repeal of the appropriate clause of the 1885 Act could have been inserted comparatively easily. Leo Abse now frankly admits that a principal reason why he did not take this step was that he believed balance of opinion among Scots MPs to be more hostile to reform than among the House as a whole and "I had no wish to provoke more trouble than I already had on my hands." (Hansard 25.10.76, col. 149). The vote on whether he should be granted leave to bring in his bill supports his judgment, since the House divided 244 to 100 in his favour, but the Scots who entered the lobbies divided almost evenly (19 to 18 in favour of the bill). In the decade since then no Scots MP has sought to introduce a reform bill for Scotland and Lord Boothby's is the first attempt to do so in the Lords. Clearly in this case we cannot conclude that it is the absence of time which has prevented reform, since the issue has never been put to the test.

Only in the case of divorce law is there convincing evidence of procrastination and delay at Westminster. Yet even here the main source of delay has come from the Scots themselves. The first attempt at emulating the English reform was made by Donald Dewar in 1970 when he attempted, under the Ten Minute Rule procedure, to obtain leave to publish a Bill. On this occasion he was opposed by another Scottish member who admitted that the majority of letters he had received were in favour of the Bill, but urged the House to set such representations aside on the intriguing grounds that "every hon. Member knows that people living in adultery are much more vocal than others who are living in an harmonious state of matrimony." (Hansard 27.1.70 col 1210).

This stimulating insight apparently made a powerful impression on the Scots members present since the majority opposed the introduction of a bill (25 against; 19 for—including tellers). Ironically, Donald Dewar had to depend on the support of English and Welsh members to obtain a majority in the division. His defeat in a highly marginal seat in the subsequent general election was still being paraded as late as 1975 at ministerial meetings as a sign that the Scottish electorate would not tolerate reform.

Bob Hughes, another Aberdeen MP, made a further attempt at reform in 1971 when he obtained a place in the ballot for private member's bills, which guaranteed him a Friday sitting for a Second Reading debate. However, in order to obtain a division on whether a bill should be given a Second Reading it is first necessary to draw the debate to a close. By convention a debate will continue so long as a member remains on his feet, and if there is such a member still exercising his right to speak at 4 pm, when the House rises, the debate is adjourned to a future occasion, for which time is rarely, if ever, found. The only way to avoid being "talked out" in this way is to put a closure motion, but no such motion can be carried, whatever its majority, unless 100 Members vote for it. On this occasion Mr Hughes was able to muster only 73 members to support this closure motion which therefore fell.

It is almost impossible for a Scottish backbencher to deliver 100 votes without an official whip since there are only 71 Scots MPs. So this rule is a real pitfall for the Scottish private member. Yet the fact remains that only 24 Scottish MPs were present in the House to support Mr Hughes, and further 12 had stayed to oppose him. The bill did subsequently succeed in obtaining a formal Second Reading, but reached committee late in the session and had to be abandoned at the end of the parliamentary year. Only nine lines of the bill had been considered in seven and a half hours debate.

After this, William Hamilton made two further attempts and I made one to introduce a bill under the Ten Minute Rule procedure. This permits a member to make a speech of ten minutes seeking leave of the House to publish a bill, but does not guarantee him time for a Second Reading debate. Consequently the unfortunate sponsor is reduced to attending at the close of private members' business on a Friday in order to present his bill for a formal Second Reading. Since there has been no debate he may be blocked at this stage by the objection of a single member, usually the government whip.

On ten successive occasions Tam Galbraith and I turned up to an almost deserted Commons chamber to act out this elegant little ritual, on at least one occasion the objection being accompanied by a less than elegant gesture. Although the veto procedure is sound in principle since it prevents a contentious bill making progress without a debate on its merits, in this case there was widespread public reaction to its use by a member

who had been divorced in an English court under the reformed law which he was now seeking to deny to Scotland. In retrospect it is clear that Tam Galbraith did more than anyone else to marshal public opinion in favour of divorce law reform.

The procedures of the House do of course afford favourable terrain for guerilla warfare by any determined minority who can exploit technical devices to ambush a private member's measure which they could not defeat in open contest. All the contentious reforms of the late 'sixties — on divorce, homosexual offences, and abortion — would have perished in this way had they not been rescued in time provided by the government of the day. Indeed the enlightened practice of the Labour Government of 1966-70 in making time available for such reforms can now be perceived as one of its distinctive and redeeming features. No private member's measure was assisted during the Heath Government and the only one to be found time by the present administration was a bill to abolish hare coursing. This invited invidious comparisons from some Scottish MPs about the government's relative priorities between hares and those trapped in broken marriages.

We shall not know why the government steadfastly refused throughout 1975 to grant time for Scottish divorce reform until those involved published their memoirs, and perhaps not even then. At the time it appeared to be sheer obstinacy since by then the entire Scottish press, with the predictable exception of the Manchester *Daily Express* had come out for reform and 250 backbench MPs, including a clear majority of the Scots, had signed a motion calling on the government to give the House an opportunity to reach a decision. All that is publicly known is that I left for the Easter Recess with an understanding from the Chief Whip, who was always most co-operative, that the government would table a motion referring the bill to the Scottish Grand Committee; on my return I received a letter from him advising me that, "I have been having a further look at the possibilities for handling your Divorce Bill. I must say I find the difficulties formidable."

The finger of suspicion for discovering these "formidable obstacles" points at the Scottish Office, but we can never be certain since parliament and the public are permitted no information about the working of the Legislative Committee of the Cabinet at which the decision was taken. Indeed there is even a parliamentary fiction that the committee does not exist

and ministers cannot therefore be questioned on its decisions—a convention which is poignant testimony to parliament's complacency to the executive, since the Legislative Committee is the single most powerful influence over the business of the House.

In any event the refusal of help from the government was only a temporary reverse as the publicity which had accompanied each weekly failure to obtain a formal Second Reading had built up such a head of steam that there was irresistible pressure for change. As Iain MacCormick, the SNP member for Argyll, who obtained fourth place in the autumn ballot, was to admit, "it quickly became apparent to me, especially since I was the only Scottish member to be lucky in the ballot, that I did not have much alternative." (Hansard 27.1.76, col. 767). The movement in support among SNP representatives is startling confirmation of the shift which had taken place in public opinion. In 1970 Winifred Ewing had voted against Donald Dewar's attempt at reform. In 1975 Douglas Henderson had refused an invitation to become a sponsor of the bill I introduced and Donald Stewart had joined Tam Galbraith on the first occasion when he objected to it. A year later Ewing and Henderson were in support of reform and Donald Stewart diplomatically absented himself from the Second Reading.

In sum the reform of Scottish divorce law was delayed, not through lack of time, but because a majority of Scottish politicians were opposed to change until the mid 1970's. When the public outcry over the frustration of my own attempt established that the tide of public opinion had turned, parliament responded swiftly and carried reform within twelve months. It is not surprising that some MPs smart under the injustice of a public opinion that blames them now for not implementing ten years earlier reforms which that same public opinion would probably not have tolerated at the time.

A striking feature of the shift in public opinion was that it drew its motor power from the sense of injustice that arose from Scots law lagging behind the law of England and Wales. In one form or another comment in the popular press focussed on this grievance. For instance Andrew Fergus, in his regular column in the *Sunday Mail* immediately after I had received permission to introduce a bill asked,

"why weren't our Scottish members on their feet asking indignantly why important legislation like that required a Private Member's Bill at all.

Demanding why — in drink and divorce — we Scots should be

treated as less responsible than other Britons.

Then insisting vigorously that Government time be given—immediately—to put both situations right."

Purely for the record divorce and licensing law reform in England have been left strictly to backbenchers. But it is intriguing to note that the columnist believed that a prime duty of Scottish Ministers was to keep Scottish law in line with its English analogue.

This view appears to be widely shared by his readers. One MP informed me that he had been visited at a "surgery" by two women constituents who demanded to know why Scottish women should not have the same rights in divorce law as the women of England. It is intriguing that their desire for an improvement in legal status should be articulated as a demand to be upsides with the English.

Clearly this demand is in large part a product of the new social confidence and political aggressiveness which are marked features of contemporary Scotland and of which nationalism is one emanation. Yet it is also a paradox that pressure for uniformity in personal law should become critical at a time when we are frequently advised that popular opinion also wants a separate legislature for Scotland, presumably in order that it might pass distinctively different laws. The irony was particularly pointed when Iain MacCormick invited readers of the *Daily Express* to guide him on whether he should introduce a private member's bill on divorce or devolution. The results were never published, but are understood to have produced a substantial majority in favour of divorce reform, which must have caused some chagrin to the SNP member who had invited views.

Malcolm Rifkind, among others, has made a brave attempt at rationalising the public sentiment on the grounds that it is precisely in such areas of personal law that we should strive to achieve broad uniformity throughout all parts of Britain, especially because of the high mobility between Scotland and England. Certainly the frustration of those who could not obtain a divorce in Scotland was sorely aggravated by the knowledge that they could obtain relief if they moved to England. *New Society* even produced an estimate (for which however it produced no source) that 15,000 Scotsmen had shifted south in search of an easier divorce, a sort of Gretna Green in reverse. In fact, it seems more likely that many of them had moved to place themselves out of reach of the Scottish courts seeking to enforce maintenance awards.

Lord Beaumont in the recent debate on Lord Boothby's Bill carried this view one step further and argued that it was possibly in the area of personal liberty that we should be most reluctant to devolve legislative discretion to local assemblies:

"I am a very strong devolutionist indeed — more so certainly than most in your Lordship's House and probably as strong a devolutionist as any, but I think the last thing one should devolve are matters dealing with civic rights. Those are the things which should be made as universal as possible. The guardianship of the rights of minorities must be taken as far away from local passions and prejudices as it is possible to do so." (Hansard, Lords, 10.5.77, col 175).

Whether or not it is true that "local passions" are necessarily hostile to the rights of minorities, it is tempting to speculate on whether a Scottish Assembly would be more or less liberal than Westminster. The speculation is of course of more than academic interest to those affected by the present state of the law, such as the Scottish Minorities Group (SMG) which represents many of the more articulate homosexuals in Scotland. In 1974 some of their members shared Lord Beaumont's fears and were anxious that reform be achieved before responsibility for it was devolved. This pressure ebbed through 1975 largely as a result of the publication of a bill drafted by their English equivalent, the Campaign for Homosexual Equality (CHE), which aimed to achieve complete parity in law with heterosexuals. SMG thereafter decided not to press for immediate reform along the lines of the Abse Act since such a step might postpone further legislation on this topic for another decade, and thus inhibit the more radical measure envisaged by CHE.

In passing we might note that the dilemma in which the members of SMG found themselves is not novel. Since Scottish law reform appears to lag a decade behind progress in England, dissension inevitably arises on whether it is sufficient to merely catch up on the rest of the UK, or whether to be more bold. A similar secondary debate arose during discussion of divorce reform and a few lawyers, such as Professor Ian Willock of Dundee University, pressed for separation to be the sole ground for divorce at the request of either of the spouses. Since this would have meant a deserted wife being liable to divorce against her wishes after perhaps only a year's separation, such a radical measure, however tidy in its legal doctrine, had no hope of commanding public sympathy and therefore of obtaining a majority in the Commons. Nevertheless much of the effort of those of us campaigning for a constructive reform which was

politically feasible had to be diverted to head off these attacks in our rear.

Since the CHE bill envisages 16 as the age of consent for homosexual acts it has much less prospect of commanding a majority in parliament than a guillotine motion on devolution.. If evidence is needed it is to hand in the fate of Lord Arran's more modest measure to reduce the age of consent to 18, which was recently rejected in the Lords by 146 votes to 25. Clearly the Countess of Loudon spoke for many noble lords when she announced:

"The issue at stake is perfectly clear. Are we to encourage the infectious growth of this filthy disease by giving the authority of Parliament to the spreading of corruption and perversion among a new generation of young men?" (Hansard, Lords, 14.6.77, cols 45-46).

In the event SMG have now reverted to seeking an immediate reform at Westminster to put the law at least on the same footing as in England and Wales. The prime stimulus to this shift in objective was the passage through Parliament in 1976 of the Consolidated Sexual Offences (Scotland) Act. A consolidation measure is of no significance to the public since it can in no way change the state of the law, but is a boon to lawyers since it frequently reduces many statutes to a single handy reference volume. It is hard to believe that even lawyers will benefit much from this particular consolidation since the Scottish statutes on sexual offences are not many and are infrequently amended. Moreover the effect of consolidating them was to brush the dust from much obsolete legal lumber. Section 1 for instance is explicitly drafted to stamp out the white slave trade. Nor has there been any prosecution in living legal memory under the provision now consolidated under section 2(2) which states that:

"A man who induces a married woman to permit him to have sexual intercourse with her by impersonating her husband shall be deemed to be guilty of rape."

For the sake of symmetry section 4 provides that it shall be a defence against rape that the accused had reasonable grounds for believing that the woman was his wife.

More serious than these Victorian period pieces is the inclusion of section II of the Criminal Law Amendment Act 1885, which is held to prohibit homosexual acts whether in private or public. There is dispute over its interpretation since the section refers to "gross indecency between males" and there are some lawyers who maintain that this does not extend to

homosexual acts in private. However those affected are naturally reluctant to volunteer for a test case in the courts and the matter is further complicated by the practice of the Crown Office which has not brought a charge for acts in private between consenting adults for many decades. To be sure this restraint is not the result of liberal sympathies, but is the practical effect of the Scots law of corroboration which makes it impossible to obtain a conviction unless a third person was present to witness the offence, in which case it did not take place in private.

It could even be argued that homosexuals in Scotland are in a comparatively privileged position in that it is better to have an old fashioned law which is not implemented than a liberal but more precise one which the police feel obliged to apply. For instance the bill introduced by Leo Abse had the unfortunate side effect of creating a new category of offence. It is normally held that the law on the age of consent was intended to protect the minor and thereby render the older party liable to prosecution. Unfortunately the 1967 Act was so amended as to render the minor also liable to prosecution, and over 100 charges are now brought annually against minors under 18. It is difficult to conceive of such nonsense occurring in Scotland as the charge which has been brought in Cornwall against a youth who is alleged to have committed sodomy a few hours before the precise 21st anniversary of his birth.

Whatever the relatives of being liberated by a recent reform or suppressed by a defunct act, re-enactment of the 1885 provision provoked natural anxieties that the police could not regard as a dead letter a statute passed by parliament in 1976. The response of the government to these anxieties raised a subtle constitutional point, since in order to allay them the Lord Advocate undertook to state at the despatch box that he had no intention of implementing the relevant part of the statute. He did in fact state:

"it does not imply any change in prosecution policy. Crown Office policy under successive Lord Advocates for many decades . . . has been and remains that there should in general be no prosecutions between consenting adults." (Hansard 25.10.76, col. 138).

No precedent has been found for a government minister introducing a bill, part of which he openly admitted would not be enforced, and it suggests a disturbing insight into the executive's attitude to parliament that it should be prepared to

invite parliament to pass a law whilst informing parliament that the Crown Office would not be bound by it. Moreover as Lord Wilson of Langside, a former Lord Advocate, has pointed out in the House of Lords, no Lord Advocate can bind his successor by a statement at the despatch box.

In the event Malcolm Rifkind and I moved that the appropriate clause be not included in the consolidation, but were defeated in the subsequent division. Interestingly the number of English and Welsh members voting on either side in the division was exactly equal at 19. In other words the Government owed its entire majority to the Scottish members of whom 19 voted in favour of the consolidation, but only nine for the deletion. It is only fair to state that many of those voting for consolidation were presumably influenced by the technical and legal arguments which the Lord Advocate displayed in its defence, but nevertheless the division list once again fails to support the hypothesis that it is lack of time at Westminster which is the main impediment to reform of the law.

Lord Boothby has since introduced a private Bill in the House of Lords which would in effect extend the reforms of the 1967 Act to Scotland. He was opposed on the Second Reading by Lord Ferrier who demonstrated that there still remained much fundamental opposition to such a step:

"Kleptomaniacs, arsonists, compulsive homosexuals are all sick people; how can they claim that they have rights?" (Hansard, Lords, 10.55.77, col 173).

Despite his impassioned plea, the House gave the bill a Second Reading by 125 to 27. It has since completed all its stages in the Lords, but as it was introduced late in the session it is most improbable that it will successfully pass all its hurdles in the Commons before the end of the parliamentary year in the autumn.

One further feature of the progress through parliament of these measures deserves mention. The parallel reforms of English personal law were greatly facilitated by the intensive lobbying of parliament by organisations such as the Divorce Law Reform Union or the Sexual Law Reform Society, but the Scottish debates of the past couple of years have been marked by the absence of any such group or any form of organised lobbying. The only body which could credibly claim to have influenced parliament's thinking on any of these matters

is the Scottish branch of Women in Media which co-ordinated a vigorous campaign of press coverage for my attempt at divorce reform. It is perhaps significant that the bulk of even their campaign should have been directed at the local Scottish media rather than the members of a remote parliament.

This apparent diffidence of Scottish interest groups about involvement in parliamentary affairs is all the more striking since the reform of personal law raises matters which are traditionally of keen interest to the church. With 1,020,000 communicant members the established Church of Scotland is potentially much more influential than the Anglican Church which can muster only 1,720,000 communicants from a population ten times as large. No doubt it is this contrast which has provoked the widespread misconception among non-adherents that the Scottish church has played a significant part in inhibiting reform. Nothing could be further from the truth. The Church of Scotland declared for reform of divorce law in 1967 and a year later the General Assembly asked the Secretary of State to consider the extension to Scotland of the provisions of Leo Abse's Sexual Offences Acts.

Moreover, and for our present purposes perhaps even more significant, the Church has subsequently shown little interest in actively lobbying for *any* point of view. During the period in which I was attempting to push through reform of divorce law I was never once approached by the Church of Scotland Headquarters and on contacting them myself I received a seven line letter of reply. I never heard from them again on the matter although I served in the subsequent year as a member of the committee which considered Mr MacCormick's bill. The Catholic Church has been equally reserved on each of these issues although its laity did participate in the very impressive letter campaign to MPs organised by the Society for the Protection of the Unborn Child over abortion, but that being a British issue is beyond the scope of this paper.

The only occasion when either church actively intervened in the progress of any of the measures with which we are concerned was in their efforts to reverse the decision of the Committee on the Licensing (Scotland) Bill that pubs should be permitted to open on the sabbath. Yet this instance is very much the exception which proves the rule since the churches failed to launch a parliamentary campaign until the decision had actually been taken, by which time they were reduced to

the paradoxical position of inviting the whole House, including its preponderant English membership, to overturn the decision of a Scottish Committee. Predictably intervention at this late stage proved ineffective since most MPs had already been forced by press enquiries to take a public stance from which they could not easily retreat and rather resented being pressured to do so. Personally I had considerable sympathy with the position of the churches on this matter, particularly since many of my constituents live in tenements over public houses, and I still believe that they might have carried the day had they begun their lobbying in the months before the decision was made when the popular press was running a massive campaign in favour of Sunday opening.

However the real award for maladroitness of lobbying of MPs must go to the Strathclyde Licensed Trade Association. At one sitting of the Committee on the Licensing (Scotland) Bill, Mr Harry Ewing produced a letter from its secretary, Mr G. H. Ramster, advising him that:

"The directors of the Association have noted with alarm the decision reached by the Committee on the Licensing (Scotland) Bill that public houses should be open on Sundays — a decision which the Association is strongly opposed to."

(Proceedings of the Committee Col. 564).

To the great entertainment of the Committee Alick Buchanan-Smith, who then led for the opposition, produced a different letter addressed to him on the same day with the same signature in which the secretary urged rapid implementation of the decision in favour of Sunday opening:

"All existing public house licenses should automatically become seven day licences without any special conditions attached and the opening of such on a Sunday should be left to the discretion of the licensee."

(Proceedings of the Committee Col. 554).

Clearly contact with parliamentary proceedings has suffered by the intervening distance if a Scottish trade organisation cannot appreciate that parliamentary spokesmen, albeit for different parties, are liable to discover that the same organisation has been feeding them contrary beliefs.

This does suggest an intriguing conclusion. Our review has not produced any convincing evidence that reform of Scottish personal law has been significantly impeded by the procedures of Westminster, nor by the competing claims on its timetable. Nor has such reform been inhibited by the minority position of the Scots MPs. Indeed the divisions we have considered flatly

rebut the nationalist contention that there is a permanent and inevitable conflict of interest between Scots and English politicians, since on nearly all occasions the majority of both nations were to be found in the same division lobby. On the one occasion when the majority of Scots differed from the majority in the House (in the vote on Donald Dewar's Divorce Bill), they did so in opposition to reform.

The only argument in favour of devolution which does emerge from this study is not that Westminster has proved incapable of handling Scottish reform but that Scottish interest groups have proved inept or indifferent about lobbying Westminster. Even then it is not necessarily clear that the underlying problem is one of geographical distance. For instance, because the Presbyterian Church possesses its own formalised democratic constitution, reformers within it appear to regard as their goal the approval of a deliverance by the Moral Welfare Committee of the General Assembly, rather than the passage of a statute by the secular chamber. Since this attitude has roots which go back beyond 1707 when Scotland had a parliament of sorts, there is no reason to assume that it will vanish with the advent of devolution.

Moreover a nagging doubt remains as to whether it is really desirable to render the legislature even more susceptible to pressure from interest groups. Certainly as Lord Beaumont has reminded us they will not all be on the side of liberal measures.

REFERENCES

1. The Bill concerned was "The Divorce Law Reform (Scotland) Bill.
2. Scottish Licensing and Law: Report of a Departmental Committee under the chairmanship of Dr Christopher Clayson (Cmnd. 5354).